

APPROVED MINUTES
Town of Auburn
Planning Board
March 20, 2019

Present: Ron Poltak, Chairman. Steve Grillo, Vice-Chairman. Jeff Porter, Member. Paula Marzloff & Jess Edwards, Alternates. Keith Leclair, Selectmen's Representative. Minutes recorded by Denise Royce.

Absent: Michael Rolfe, Member. Tom LaCroix, Alternate.

Mr. Poltak called the meeting to order at 7:02pm and had the Board members introduce themselves to everyone present. Mr. Poltak elevated Mrs. Marzloff to a full voting member for tonight's hearing Mr. Rolfe's absence. Mr. Poltak moved on to approval of the March 6th meeting minutes.

MINUTES

Mrs. Marzloff moved to approve the minutes for March 6th, 2019, Mr. Porter seconded the motion. A vote was taken; all were in favor, the motion passed.

PUBLIC HEARING

**James & Phyllis Breault
Strategic Contracting Co., LLC
11 & 21 Pinetree Road &
247 Appletree Road, Tax Map 17, Lots 4, 5 & 6
Lot Line Adjustments**

Mr. Mitchell presented on behalf of the applicants and began by explaining the location of the property requesting Lot Line Adjustments. Mr. Mitchell stated that, these lots were created back in 1961 when the subdivision was done. Mr. Mitchell went on to say that, there are two (2) lots which are Lot #4 and Lot #5 which were approximately three quarters of an acre in size currently. Mr. Mitchell commented that, what they are proposing to do is a Lot Line Adjustment between the three (3) lots whereas the 3-acre lot will get reduced down to 2.34 acres and Lot #4 will be increased to become a one-acre lot and Lot #5 will become 1.13 acres. Mr. Mitchell pointed out that Lot #5 currently is being built upon and has a foundation on it and Lot #4 has only a shed on it. Mr. Mitchell indicated that Lot #6 is also being built on as well. Mr. Mitchell talked about the fact that, the Breault's have just gone through the involuntary merger to unmerge the lots.

Mr. Mitchell went on to talk about the waiver request with regard to Article 2, Section 2.02.19 to allow the lot line adjustment where more than 25% of the lot areas are

changing. No new lots are being created and the lot getting smaller (Lot #6) meets current zoning and Lots #4 and #5 which are pre-existing non-conforming lot sizes are being increased.

In conclusion, Mr. Mitchell ended his presentation and asked the Board if they had any questions. Mr. Poltak asked what the long-term intent would be. Mr. Mitchell indicated that, it would be single-family houses and that the foundations are already in for Lot #5 and Lot #6. A brief discussion ensued with regard to the lot sizes and location. Mr. Mitchell pointed out that, the lot line adjustment would make the non-conforming lots less non-conforming and that the 3-acre lot would still be conforming. Mr. Edwards asked about the foundation for the house on Lot #5. Mr. Mitchell informed the Board members that they had just done a foundation certification on that lot today as it was recently poured and that it has a building permit that was pulled. Mr. Edwards asked Mr. Poltak that if 3 houses are going to be placed on these 3 lots that it would increase the property tax base for the town. Mr. Poltak said yes.

Mr. Poltak asked Mr. Mitchell that there was only one waiver request needed correct. Mr. Mitchell said yes. Mr. Poltak asked if there were any abutters present. Mrs. Canavan indicated that she was an abutter and that she was fine with it.

Mr. Poltak noted that, there were a lack of questions and believed there was a lack of concern over the request for lot line adjustment that the Board should take this up tonight and entertain a motion to accept the application and move on the waiver request and then approve the lot line adjustment. Mr. Grillo so noted the request.

Mr. Grillo made a motion to accept the application for Lot Line Adjustment for Tax Map 17, Lots 4, 5 & 6. Mr. Porter seconded the motion. All were in favor, the motion passed unanimously.

Mr. Grillo made a motion to approve the waiver for allowing the Lot Line Adjustment where more 25% of the lot areas are changing for Tax Map 17, Lots 4, 5 & 6. Mr. Porter seconded the motion. All were in favor, the motion passed unanimously.

Mr. Grillo made a motion to approve the Lot Line Adjustment for Tax Map 17, Lots 4, 5 & 6. Mrs. Marzloff seconded the motion. All were in favor, the motion passed unanimously.

Mr. Mitchell thanked the Board for their time and exited the meeting.

Mr. Poltak moved on to the next item on the agenda and informed everyone that Mr. O'Neil would be a little late and that Mr. Wichert was present and was willing to begin to present the Lot Line Adjustment request for 5 Finch Lane. While Mr. Wichert was setting up, Mr. Poltak wanted to go over a few things with the Board members.

Mr. Poltak stated that, he had two (2) relatively small items that he needed to take up with the Board and began by saying that, Mr. Worster will be moving out of town shortly and that he is currently the Town of Auburn's Designee for SNHPC and by statute he will be moving sometime after April 4th. Mr. Worster served as the delegated member of the Southern New Hampshire Regional Planning Commission and also Auburn's Member of their Executive Committee and asked if anyone wanted to step forward to play that role. Mr. Poltak pointed out that it would be one meeting a month which is held on the west side of Manchester. The process would be for someone from this Board to move forward and brought to the BOS for approval and then go from there. A brief discussion ensued with regard to this position. Mr. Poltak informed everyone that, the Executive Committee is more intense and that Mr. Herman has served in this capacity in the past and is willing to resume that role. Mr. Poltak asked the Board Members to let him know if anyone wanted to fill the position. Mrs. Marzloff indicated that, she could fill the position but that she was not interested in the Executive Committee. Mr. Poltak stated that, that would be appreciated and asked the Board for a motion to nominate Mrs. Marzloff.

Mr. Porter made a motion to nominate Mrs. Marzloff as the Designee for SNHPC for the Town of Auburn. Mr. Grillo seconded the motion. All were in favor, the motion passed unanimously.

Mr. Poltak thanked Mrs. Marzloff for agreeing to become the Designee for SNHPC for the Town of Auburn. Mr. Poltak also informed the Board that, he would speak with Mr. Herman about the Executive Committee as he is willing to move forward with it.

Mr. Poltak went on to say that, he had a long conversation with Mr. Tatem about how they were going to set up visits to Senior Housing Facilities that are being constructed in the immediate area and what Mr. Tatem thought was that they would put a list of 3 or 4 examples to demonstrate the different types of construction and manners in which this has been approached in different communities. A brief discussion ensued with regard to different facilities within the surrounding areas. Mr. Poltak stated that they would provide the Board with a listing of 3 or 4 facilities by the next meeting. Mr. Poltak stated that they would plan a meeting or two to work on a new Senior Housing Ordinance and asked members of the Board to form a 2- or 3-member committee to work on this. Discussion ensued on who would join that committee and get back to Mr. Poltak in that regard.

Next, Mr. Poltak turned to Mr. Wichert to begin his presentation on the next Lot Line Adjustment request for 5 Finch Lane.

**Manchester Water Works/John O'Neil
James E. Hathaway
5 Finch Lane & Finch Lane, Tax Map 24, Lots 2, 2-1 & 2B
Lot Line Adjustment**

Mr. Wichert began his presentation on behalf of Mr. Hathaway and Mr. O'Neil of Manchester Water Works. Mr. Wichert pointed out that, Mr. O'Neil is the Chief Forester

and would be arriving shortly. Mr. Wichert stated that, Mr. Hathaway purchased 5 Finch Lane back in 2018. Mr. Wichert explained that, before Mr. Hathaway purchased it, Mr. O'Neil was looking at lot lines and the house and the placement of the house on the Hathaway house. This is an area that has an old plan in 1906 that creates this plan that does not have a lot of monumentation on the ground and also has a lot of conflicts and a lot of other items that come into play. Mr. Wichert went on by saying that, prior to the last person selling the house, Manchester Water Works was working with them and they came to terms and they escrowed money so they could do a Lot Line Adjustment to resolve the issue. So basically, the problems they are having is that the house encroaches over the line approximately a foot in a half and then it's only inside the south side by only 6 inches. So basically, the minute they exit the house they are on Water Works property. Mr. Wichert explained the property lines and the placement of the shed and what they came up with was that they made the property lines into a rectangle. The property starts out at 11,429 square feet and it will increase to 14,000 when it's all said and done. The property is zoned Commercial Two which requires 200 feet of frontage and 2 acres which obviously we won't make it but it is an existing lot of record and it will be less non-conforming. The Hathaway property is serviced by onsite septic and city water.

In conclusion, Mr. Wichert stated that, should the application for the Hathaway lot be approved then we resolve the encroachments and the Hathaway's get a useable lot and Water Works gets this awkward backwards "C" shaped lot. Mr. Wichert went on to talk about "Range Avenue" which is a paper street which dedication has lapsed because it was done back in 1906 and was never approved and Manchester Water Works owns on the other side so for all practical purposes it's contiguous to the other property. Manchester Water Works is not doing this to build but acts as a buffer for the lake. Mr. Wichert indicated that they did not show topo and wetlands because they are asking for waivers on that so there are a series of waivers being requested because it is not their intention to build on this property. Mr. Wichert added that, when Mr. O'Neil arrives that he could probably confirm that they are proposing to do some monumentation to establish the property lines. This approval of the application would not result in any more lots being created because Manchester Water Works owns Tax Map 24, Lots 2B and 2-1 which would be merged once this is approved. Mr. Porter asked why the two (2) lots could not be merged with the lot in the back. Mr. Wichert pointed out that "Range Avenue" sits between the two properties and suggested that they wait until Mr. O'Neil arrives to answer that question. Mrs. Marzloff asked if there was a release of public servitude for "Range Avenue". Mr. Wichert did not believe there was an acceptance because it was done back in 1906 and was pretty sure that the town did not have any records from 1906 so in 1926 the dedication would have lapsed.

At this time, Mr. O'Neil arrived to the meeting at 7:30pm. Mr. O'Neil apologized for being late and entered the conversation. Mr. Porter asked Mr. O'Neil about merging the lots together with Tax Map 24, Lot 1A. Mr. O'Neil did not have a problem with merging them all together. Mr. O'Neil talked about the paper street "Range Avenue" and how to either abandon that road because it currently runs through the brook.

Mr. Poltak asked if there were any further questions. Mrs. Marzloff asked if the plan would be amended to indicate that the three (3) lots would be merged and become one lot. Mr. Wichert said that, the way they have it set up now is that 2B would disappear and 2-1 would exist and was unaware of how the Town of Auburn would treat merging lots on opposite sides of the paper street. Mr. O'Neil indicated that, in the past they have done it through the Selectmen's office without the surveyor being involved. Mr. Wichert stated that they could do it a couple of ways, if it's something that the Selectmen can do through action then they could just wait to record it and then they could just reference on the plan to "See Selectmen's Minutes from whatever date" or they could just record this now and then do the merger whichever is easier for the Board. Timing wise, if they have to wait a few weeks that it would not matter at this point. Mr. Leclair stated that, he would just go with the original proposal and leave the paper street out of it for the time being until he can learn a little bit more about that. Mr. Poltak agreed.

Discussion ensued with regard to merging the lots for Manchester Water Works and recording of the plan.

Mr. Poltak asked if there were any further questions from the Board. None were noted.

Mr. Grillo made a motion to accept the application for Lot Line Adjustment for Tax Map 24, Lots 2, 2-1 & 2B. Mrs. Marzloff seconded the motion. All were in favor, the motion passed unanimously.

Mr. Edwards wanted to know why the homeowners for the Hathaway house was not present at tonight's hearing. Mr. Poltak pointed out that, this is in the best interest of the homeowner. Mr. Leclair asked if they were noticed. Ms. Royce indicated that everyone was noticed and that Mr. Hathaway signed the application as well.

Mr. Poltak moved on to approval of the four (4) waivers as there was nothing that would be built on this property and therefore approval was necessary and asked the Board to make a motion on all four (4) waivers at once.

Mr. Grillo made a motion to approve the four (4) waivers for Section 3.05(1)(C) Location of Wetlands; Section 3.05(1)(N) Test pits and percolation tests; Section 3.05(1)(P) Topography; and, Section 3.05(1)(Q) Soil types by on-site soil survey for Tax Map 24, Lots 2, 2-1 & 2B. Mr. Porter seconded the motion. All were in favor, the motion passed unanimously.

Mr. Poltak wanted to discuss prior to making the last motion that, the Board decided that Mr. Leclair would obtain more information and believed that the BOS can do it. Mr. Poltak stated that they could add conditioned upon discontinuing the paper street "Range Avenue" and merging the remaining Manchester Water Works lots abutting.

Mr. Grillo made a motion to approve the Lot Line Adjustment for Tax Map 24, Lots 2, 2-1 & 2B conditioned upon discontinuation of the paper street “Range Avenue” and the merger of the two (2) remaining tax lots owned by Manchester Water Works. Mr. Leclair seconded the motion. All were in favor, the motion passed unanimously.

Mr. O’Neil thanked the Board members for their time and exited the meeting.

OTHER BUSINESS

Mr. Poltak asked Mr. Edwards if he was moving on to another committee. Mr. Edwards said no. Mr. Leclair asked if he was looking to be re-appointed. Mr. Edwards indicated that he would love to be re-appointed.

Mr. Poltak discussed a Senate Bill that is being discussed right now that would have required Planning Board’s to solicit bids and go with a low bid for any third-party work that would be engaged in by that board relative to subdivisions and/or site plan. A brief discussion ensued with regard to this Senate Bill.

At this time, Mr. Poltak asked for a motion to adjourn.

ADJOURN

Mr. Porter moved to adjourn the Hearing. Mr. Grillo seconded the motion. All were in favor, the motion passed unanimously and the meeting stood adjourned at 7:57p.m.

The next Planning Board meeting will be held on Wednesday, April 3rd, 2019 at 7:00 p.m. at the Town Hall, 47 Chester Road unless otherwise noted.